REMARKS

This application has been reviewed in light of the Office Action dates August 13, 2003. Claims 1-14 are pending in the application. By the present amendment, the specification has been amended to correct a typo. No new matter has been added. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

By the Office Action, the Examiner objected to the drawings because they did not include reference signs for PC 6 and line 32. The specification has been amended to correct the reference sign to PC 7, which is shown in FIG. 1. Please approve the changes to FIG. 1,enclosed herewith, which now shows the reference number 32 for line 32 as set forth throughout the specification. Line 32 is indicated as the dotted line in FIG. 1. Reconsideration of the objection is respectfully requested.

By the Office Action, claims 1, 4-9 and 11-14 stand rejected under 35 U.S.C. ' 103(a) as being unpatentable over U.S. Patent No. 6,407,997 to DeNap et al. (hereinafter DeNap) in view of U.S. Patent No. 5,600,643 (hereinafter Robrock II).

DeNap is directed to an ATM system which provides telephone service. DeNap discloses a residential hub 121 and a session manager 472 that controls system traffic. Gateways and servers 473 are described to include a voicemail application. However, this application is completely different from that disclosed in the present invention.

First, at col. 8 lines 31-44, a voicemail service is described in terms of a user having a personal computer with an HTML browser to set up system rules and configure the service. DeNap states with reference to the voicemail service that the session manager 472 uses a provider agent for voicemail, and that such a provider agent would not need to get a call message from the session manager 472. This is completely different from the present invention and in fact teaches away from the concepts covered in the present claims. The

present invention teaches alerting a CPE of a voicemail message while DeNap clearly states that this is not needed. In addition, a dedicated ATM signal channel for alerting a CPE is not disclosed or suggested by DeNap.

In contrast to DeNap, the present invention alerts the CPE of a voicemail message stored therein. Further discussion of the present claims will be presented below.

Considering Robrock II, a CPE with enhanced features is disclosed. The system of Robrock II provides ATM call services to a user through the CPE unit. This is well known. However, Robrock does not disclose or suggest providing a voicemail alert signal through an ATM channel to a CPE. As such, Robrock II fails to cure the deficiencies of DeNap.

Claim 1 (and essentially claims 9 and 14) of the present invention, includes, *inter alia*, an asynchronous transfer mode (ATM) digital subscriber line (DSL) head end network, which includes a CPE, which delivers DSL service to at least one customer, a voicemail server disposed remotely from the CPE for storing voice messages left for the at least one customer, and a service controller for managing system traffic coupled to the voicemail server such that when a voicemail message is recorded on the voicemail server <u>an</u> <u>ATM signaling channel is employed to notify the customer premise equipment that the</u> <u>voicemail is awaiting to be retrieved</u>.

An ATM signaling channel that is employed to notify the customer premise equipment that the voicemail is awaiting to be retrieved is not disclosed or suggested by the cited combination of DeNap and Robrock II. DeNap merely discloses that voicemail service is provided and Robrock II discloses the use of ATM services. The combination fails to disclose or suggest an ATM signaling channel to alert a CPE that a voicemail message is waiting for the user. These elements are clearly set forth in the claims as originally presented. In fact, while it is unclear what a provider agent in DeNap is, the provider agent is disposed

between a session manager and a phone (where CPE may generally be located). DeNap discloses that alerting such a provider agent is not needed, and Robrock II fails to cure at least these deficiencies.

In addition, the motivation for the combination of these two references provided by the Examiner fails in view of the teachings of DeNap, which relies on Internet-based operations for voicemail service instead of ATM signaling. In addition, the provider agent is clearly disregarded as a necessity in receiving voicemail messages (see col. 8 line 31-40). Furthermore the references themselves must at least have a nexus or suggestion that they be combined. There is no such nexus of suggestion on an ATM signal channel for notifying a CPE of a voicemail message between the references in the cited combination. Claims 1-14 are therefore believed to be in condition for allowance for at least the reasons stated.

Other reasons for allowing these claims also exist. A host of elements in the dependent claims are not disclosed or suggested by the cited combination. For example, while Robrock II provides ATM signal cells, no ATM signal cells are disclosed or suggested for at least:

an ATM cell, which includes a flag for indicating that the voicemail message waits for retrieval (claim 4, 11), or an ATM cell, which includes information relating to the voicemail message (claim 5, 12).

Furthermore, the cited combination fails to disclose or suggest an indicator which is responsive to CPE notification that the voicemail is awaiting to be retrieved (claim 7, 13) and that such an indicator is on one of a telephone, a set top box and a display (claim 8). The fact that a set top box, phone or computer are at a user location does not shown an indicator for voice mail on such a device nor does it show the other aspects of the present invention as set forth above. Reconsideration of the rejection is earnestly solicited.

By the Office Action, claims 2, 3 and 10 stand rejected under 35 U.S.C.

' 103(a) as being unpatentable over DeNap in view of Robrock II and further in view of U.S.

Patent No. 6,456,700 (hereinafter Malik).

Malik is directed to a telephone voice mail system that permits a user to

request additional telephone information regarding a voicemail message. While Malik

describes a voicemail system, it fails to cure the deficiencies of DeNap and Robrock II as set

forth above. Namely, Malik fails to disclose or suggest at least <u>an ATM signaling channel is</u>

<u>employed to notify the customer premise equipment that the voicemail is awaiting to be</u>

<u>retrieved</u>. Claims 2, 3 and 10 are believed to be allowable for at least this reason.
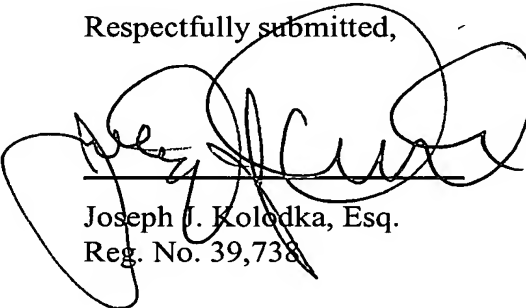
Reconsideration of the rejection is earnestly solicited.

In view of the foregoing amendments and remarks, it is respectfully submitted

that all the claims now pending in the application are in condition for allowance. Early and

favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the

event that any additional fees or charges are required at this time in connection with the application,

they may be charged to applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,

12 February 2004

Joseph J. Kolodka, Esq.
Reg. No. 39,738

Thomson Multimedia Licensing Inc.
2 Independence Way
Princeton, New Jersey 08540
(609) 734-6816
(609) 734-6888 - facsimile
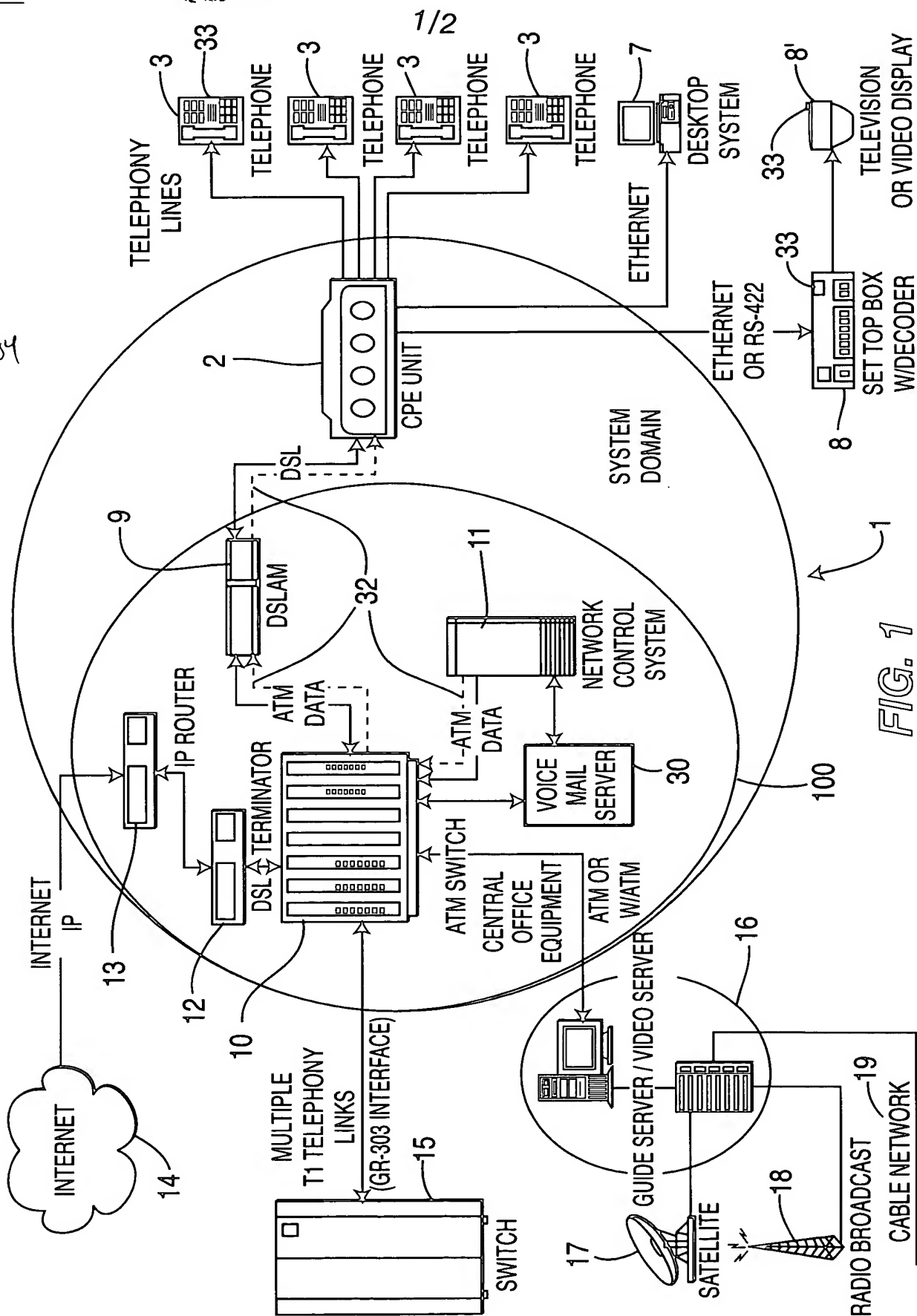
1/2

Approved
MP 4/20/04

FIG. 1